

MINUTES

MANSFIELD PLANNING AND ZONING COMMISSION

Regular Meeting, Monday, October 16, 2006

Council Chambers, Audrey P. Beck Municipal Building

Members present: R. Favretti (Chairman), B. Gardner, R. Hall, K. Holt, P. Kochenburger (7:06), P. Plante, B. Ryan, G. Zimmer

Members absent: J. Goodwin,

Alternates present: C. Kusmer (7:09), B. Pociask

Staff present: G. Padick (Director of Planning)

Chairman Favretti called the meeting to order at 7:00 p.m., appointing Alternate Kusmer to act due to member absence.

Minutes:

10/3/06- Hall MOVED, Holt seconded, to approve the Minutes of 10/3/06 as written.

MOTION PASSED with Plante disqualified, and all others in favor.

Scheduled Business:

Zoning Agent's Report

Item A was noted. Commission members had no comments.

B. Update on Hall site restoration, trailer removal

Padick updated the Commission on the meeting between Hirsch, the Town Attorney, Eric and Ed Hall, and their Attorney Mark Branse. Two issues remain: the removal of the trailers on the Ed Hall property and the unfinished site work at the Eric Hall property. Padick stated that the Ashford site for the trailers is not ready yet, but is expected to be soon. The Eric Hall site is waiting for the foundation to be poured, after which the final grading and seeding can be done. Padick noted that Hirsch will give the PZC a more complete report at the next meeting. Question was raised that if ground stabilization is not done soon, will the site remain open all winter and present problems for the neighbors. Padick mentioned that there have been no reports to staff of ground or wind erosion problems.

C. Other

Padick reported that the stop work order issued by the Building Department on the Paideia site has been removed, and work has resumed.

Padick noted that staff has no information at this time regarding the parking at the Public Petroleum gas station at the intersection of Route 44 and 195.

Old Business:

1. Bonding/Subdivision Issues: Padick briefly discussed the status of each of the pending bonding issues and noted that at this time no action is to be taken on items a-g. Padick also noted that several bonds are due to expire on November 1, 2006, and extensions may be requested.

2. Review of Special Permit Conditions: G.W. Building & Dev. LLC, 699 Storrs Rd, File #554-3

Padick told the Commission that the Fire Marshal had not prepared a memo, but he did verbally approve the plans. Zimmer questioned if there was a danger to patrons backing out onto Clover Mill Road. Padick indicated that with the design revisions to the parking lot, and the minimal amount of patron traffic expected, there should not be a problem.

Gardner MOVED, Holt seconded, that the PZC Chairman and Zoning Agent be authorized to approve the modification request of J. Zizik for parking revisions at 699 Storrs Road. This authorization is subject to the following conditions:

1. To provide more aisle space and enhance interior lot safety, the existing landscape island along Clover Mill Road shall be shifted southerly as recommended by the Assistant Town Engineer.

2. All other conditions of the PZC's 3/20/06 approval shall remain in effect.

MOTION PASSED UNANIMOUSLY.

3. New Subdivision Application, Dunham Farm Estate, 3-lots on S. Eagleville/Dunham Pond Roads, EJK Properties LLC., Applicant, File #1252
Item tabled.

4. Presentation by the Green Valley Institute on Open Space Subdivisions
Item tabled.

5. Potential Revisions to PZC/IWA Fee schedule
Item tabled.

Scheduled Business:

7:30 p.m. Discussion with UConn Representatives regarding water and sewer systems
Thomas Callahan of the University of Connecticut, Special Assistant to the President, and Peter Pezanko of New England Water Utility Service, updated the Commission on the current status of the systems and outlined some of the future options.

Public Hearings:

Live Music Permit Renewal Requests:

Chairman Favretti opened the Public Hearing at 8:20p.m. Members present were Favretti, Gardner, Hall, Holt, Kochenburger, Plante, Ryan, Zimmer, and Alternates Pociask and Kusmer. Favretti appointed Kusmer to act. Padick noted a 10/11/06 memo from Zoning Agent Curt Hirsch and the 2005 live music approval motions. With no questions from Commission members, Favretti opened the floor for public comment. Mr. Bruce John, owner of the building currently housing Schmedly's Pub, updated the Commission that he wishes to pursue a renewal of the permit and that a new tenant will be moving in shortly. With no further questions or comments from the public or Commission members, Kochenburger MOVED, Holt seconded, to close the Public Hearing at 8:29 p.m. MOTION PASSED UNANIMOUSLY.

Public Hearings:

Special Permit Application, Proposed E.O. Smith High School classrooms at 85 Depot Road, Regional School District #19 applicant, File #1251

Chairman Favretti opened the continued Public Hearing at 8:31 p.m. Members present were: Favretti, Gardner, Hall, Holt, Kochenburger, Plante, Zimmer and Alternates Pociask and Kusmer, with Ryan disqualifying herself. Padick referenced a 10/3/06 letter from Erin Lynn Meikle, resident of 98 Depot Road, a 10/10/06 set of revised plans, a 10/11/06 addendum to the Reynolds School Statement of Use submitted by Bruce Silva, a 10/12/06 letter from Vliet & O'Neill, a 10/12/06 memo from G. Meitzler, Assistant Town Engineer, a 10/13/06 memo from G. Padick, Director of Planning, a 10/14/06 memo from J. Jackman, Fire Marshal, and a 10/16/06 memo from R. Miller, EHHD.

Present representing the applicant was Richard Lawrence, Architect, of Lawrence and Associates; Denis Lord, P.E., of Anchor Engineering; William Vliet from Viet and O'Neill; Bill Ryan of the Region 19 School District Building Committee; Fran Archambault, Chairman of Region 19 School District; and Bruce Silva, Superintendent of Region 19 School District.

Richard Lawrence updated the Commission and public on the 10/10/06 revisions to the previously submitted plans. He indicated the entrance off of Depot Road will be shifted to the east and a handicap parking space will be at the end of the proposed handicap ramp for easier access. There will be a 16 foot wide access to the Lynch Landing trail, and the dumpster pad is to be moved to the southwest end of the parking lot. A chain link fence has been proposed on the west boundary between the Ferrero's property and the school. The Ferreros have indicated that they would prefer this instead of a tree buffer.

Lawrence noted that silt fence, erosion and sedimentation narrative, and a construction sequence have been added to the plans. Because of the changes in the layout of the parking lot, the light poles were relocated, and he assured the Commission there will be no lights spilling onto neighbors' properties.

The revised plans now have 15 parking spaces and 1 handicap space. The Lynch Landing pavement will stay as it is.

Bill Vliet indicated that the average number of vehicles visiting this site per day would be 20, with 10 staying and 10 leaving. This is considered a low volume impact to this neighborhood. Lawrence noted that the change in the driveway results in the corner being re-graded for a better sight line. In addition to the change in the driveway location, a new bus drop-off/pick-up area will be created on Depot Road, with a sidewalk to be installed from the road to the front door.

Maureen Crowley, Director of Planning and Development at EastConn, has been helping Region 19 design this program, and she shared her own successful experience with creating a similar program in the Danielson/Putnam area.

At this time some teachers and students from the Region 19 afternoon class presented a power point presentation with pictures of the students participating in different activities.

Chairman Favretti asked for any comments from the Commissioners. Hall noted that he listened to the tapes from the last meeting in which he was absent, and asked for clarification on the programs that will be run at the school. Silva indicated that the after-school program now in existence at E.O. Smith will be moving to the Reynolds School. The day program is being started from scratch and does not currently exist. It will be modeled after the program that Maureen Crowley described earlier that is running successfully in the Danielson/Putnam community.

Kochenburger asked Silva to clarify the number of students that will be anticipated to partake in these programs. Silva stated that his earlier estimate of 50 was too high, and there will not be more than 35 students during the day program, and then perhaps 24 at the most in the afternoon (after-school) classes. Kochenburger questioned the overlap in parking, when teachers from the day are still there, and the afternoon teachers start to arrive, and mentioned that Silva stated that approximately 4-5 of the afternoon students will drive to school. Silva indicated that they might stagger the start of the afternoon program as to not overlap, but also mentioned that the teachers aides generally leave for the day when the students leave, so there would really only be a few teachers' cars left on the premises. Silva recognized Kochenburger's concern for the parking on Depot Road, and he indicated that he will not allow any parking by students, staff or visitors on the Road. He has no problem with that restriction being a condition of approval.

Favretti questioned Lawrence about considering a pull-off in front of the school for bus unloading and loading. Lawrence indicated that the road is not wide enough, and typically for safety it is better to have the bus stop in the travel lane of the road, with its lights flashing. This prevents cars from trying to pass the bus while students are boarding or unloading. Silva mentioned that he confirmed with the Assistant to the Superintendent of Mansfield's Schools, Mr. Baruzzi, that discharge and pickup is allowed on the road.

At this time, Favretti opened the floor for public comment.

Bill Lenehan: Spoke in support of the program, and indicated that he has a daughter who has been in the after-school program for 2 years and has been thriving there. He doesn't feel that the kids in this program would do anything to jeopardize their participation because they enjoy it and are excelling in it.

Mr. Steinen of 112 Depot Road: Expressed concern that a few years down the road change will occur in policy and procedure. He applauds the school system and feels this will be a great program, but does not want it at this location. He requests that if it is approved, that the criteria of the approval be clearly defined.

Mr. Quinn of 101 Depot Road: Reiterated his previously stated concern about fire, but also mentioned the possibility of a fence between the basketball court and his property.

Joan Ferrero of 91 Depot Road: Questioned what kind of physical education classes, if any, will be held. Silva indicated that most of the physical activity will be done away from school, and that although there may be the occasional supervised recess, there will

be no official P.E. classes. Mrs. Ferrero also questioned the possibility of the handicap ramp being covered to make it easily accessible in inclement weather. Mr. Lawrence responded that due to Building Code restrictions, a cover that would meet code would be very costly to build. Lawrence also mentioned that the code does not require a handicap ramp to be covered.

Kochenburger questioned Silva if they will be having any science labs. Silva indicated that there will be a small lab area, but no chemicals will be used that would require a ventilation system. Kochenburger also questioned what the school population projection is. Silva said the population is going down and that trend is projected to continue. The growth of the program will not increase even if the population goes up. He estimates that in 8 years the school population for Region 19 will be approximately 1,100 students.

Favretti noted there are areas in the proposed landscape plan where the shrubs need to be thickened in order to be effective for screening.

With no further comments from the public, applicant or Commissioners, Holt MOVED, Gardner seconded, to close the Public Hearing at 10:00pm. MOTION PASSED UNANIMOUSLY, with Ryan disqualified.

Favretti told Commission members that if anyone missed any of the Public Hearings, he/she should listen to the audio tapes of said meetings in order to vote on the motion for this proposal.

New Business:

1. Live Music Permit Renewal Requests

Kochenburger MOVED, Holt seconded, to approve the Live Music Permit renewals (PZC File #895) through November 1, 2007 for the following restaurants: Coyote Flaco, File #724; Huskies, File #780-2; Schmedley's Pub, File #595; Ted's, File #1107; Tequila Cove, File #887; Zenny's File #984.

These renewals are conditioned upon the conditions mandated for each of these renewals in the 2005 renewal approval motion, with modifications to read as follows:

Coyote Flaco, - to approve with conditions the special permit application (file 724) of William Cabrera for live music at the Coyote Flaco restaurant on property located at 50 Higgins Highway (Route 31) in a Planned Business-5 zone, as submitted to the Commission, and presented at Public Hearing on 10/16/06. This approval is granted because the application as hereby approved is considered to be in compliance with Article V, Section B and Article VII of the Mansfield Zoning Regulations, and is granted with the following conditions:

This authorization for live music is limited to Mariachi musicians as described in application submissions. Any change in use as it has been represented by the applicant shall require further PZC review and approval;

As per regulatory provisions, no outside speakers shall be used in conjunction with the authorized live music and no music associated with the use shall be loud enough to be

considered objectionable at the site's property lines. The deck shall not be used for music performances at any time;

Doors shall remain closed during any live music, except for normal customer passing;

This permit shall not become valid until the applicant obtains the permit form from the Planning Office and files it on the Land Records and shall expire on November 1, 2007.

Huskies Fine Food & Drink, 28 King Hill Rd. – to grant to WHGR, Inc. a special permit for the performance of live music at Huskies Fine Food & Drink Restaurant, 28 King Hill Rd. (file 780-2), pursuant to Article V, Section B and Article VII of the Mansfield Zoning Regulations, and testimony heard at Public Hearing on 10/16/06. This approval is granted with the following conditions; failure to comply with these conditions may result in revocation of the permit:

1. The parking area shall be maintained and litter removed on a weekly basis;
2. No music shall be audible outside the building. All performances shall be held inside;
3. This special permit shall become valid only after the applicant obtains the permit form from the Town Planning Office and files it on the Land Records, and it shall expire on November 1, 2007.

Schmedley's Pub & Restaurant, 847 Stafford Rd. – to grant to the Lucille John Trust a special permit for the performance of live music at Schmedley's Pub & Restaurant, 847 Stafford Rd. (file 595), as presented at Public Hearing on 10/16/06, pursuant to Article V, Section B and Article VII of the Mansfield Zoning Regulations. Approval is granted with the following conditions; failure to comply with these conditions may result in revocation of the permit:

1. The restaurant owner and permittee shall be responsible for monitoring the emptying of the restaurant and parking lot at closing time to facilitate protection of adjoining properties and to prevent neighborhood nuisances;
A parking attendant shall be employed Thursday, Friday and Saturday nights for the aforementioned purpose between the hours of 9:30 p.m. and closing (1:30 a.m.), to monitor the parking lot for noise control and traffic safety;
The operators of the business shall be responsible for preventing the entry of additional cars once the lot is full;
 - a. The parking lot shall be plowed to allow full use of the total lot;
 - b. All noise and live music associated with the restaurant shall be contained within the building;
 - c. Identification checks shall be accomplished with the doors closed. In order to ensure that noise is contained, window sound baffles or air conditioners shall be employed and maintained and the business shall be operated so that doors, windows and skylights remain closed during times when live music or other loud amplified sound is played;
 - d. The area shall be kept clean and all litter shall be removed at least on a weekly basis;
 - e. All fencing, exterior signage, exterior lighting, the driveway between the upper and lower lots and the parking lot surfaces shall be maintained and repaired immediately after any damage occurs;

This special permit shall become valid only after the applicant obtains the permit form from the Town Planning Office and files it on the Land Records, and it shall expire on November 1, 2007.

Ted's Restaurant, 16 King Hill Rd. – to grant to Scott LaBelle renewal of a special permit for the performance of live music at Ted's Restaurant, 16 King Hill Rd. (file 1107), as presented at Public Hearing on 10/16/06, pursuant to Art. V, Section B and Art VII of the Mansfield Zoning Regulations. This approval is granted with the following conditions; failure to comply with these conditions may result in revocation of the permit:

1. Live music shall be limited to Sunday through Wednesday, from 9:30 p.m. to 12:30 a.m.;
2. No music shall be audible at the property lines;
3. Seating capacity shall be limited to 50 people, as approved by the Planning & Zoning Commission in the 12/22/88 site plan approval;
4. A full menu shall be offered during hours of operation;
5. This special permit shall become valid only after the applicant obtains the permit form from the Town Planning Office and files it on the Land Records, and it shall expire on November 1, 2007.

Zenny's Restaurant, 625 Middle Turnpike – to grant to Xenophon Zorba a special permit for the performance of live music at Zenny's Restaurant, 625 Middle Turnpike (file 984), as heard at Public Hearing on 10/16/06. This approval is granted pursuant to Article V, Section B and Article VII of the Mansfield Zoning Regulations. Approval is granted with the following conditions; failure to comply with these conditions may result in revocation of the permit:

1. The parking area shall be maintained and litter removed on a weekly basis or as necessary;
2. There shall be no outside music without further authorization;
3. Rear parking lot lights shall be lighted after dark at all times during business hours;
4. This special permit shall become valid only after the applicant obtains the permit form from the Town Planning Office and files it on the Land Records, and it shall expire on November 1, 2007.

Tequila Cove, 1254 Storrs Road - to approve with conditions the special permit application (file 887) of Richard Piscatelli for live music at the Tequila Cove Restaurant on property located at 1254 Storrs Road in a Planned Business-2 zone, as submitted to the Commission, and presented at Public Hearing on 10/16/06. This approval is granted because the application as hereby approved is considered to be in compliance with Article V, Section B and Article VII of the Mansfield Zoning Regulations, and is granted with the following conditions which follow. Failure to comply with these conditions may result in revocation of the permit:

1. As per regulatory provisions, no outside speakers shall be used in conjunction with the authorized live music and no music associated with the use shall be loud enough to be considered objectionable at the site's property lines.
2. Doors shall remain closed during any live music, except for normal customer passing;

3. The applicant shall be responsible for monitoring occupancy and maintaining approved occupant loads. Unless a higher occupant load is specifically authorized in writing by Mansfield's Fire Marshal, the number of building occupants shall be maintained at fewer than 75 persons;
4. Any change in use as it has been represented by the applicant shall require further PZC review and approval;
5. This permit shall not become valid until the applicant obtains the permit form from the Planning Office and files it on the Land Records, and it shall expire on November 1, 2007.

MOTION PASSED UNANIMOUSLY.

Holt noted that the Altnaveigh Inn does not have a music permit, and it has been noted that they have had live music entertainment on occasion. Hirsch is to be notified.

Reports of Officers and Committees:

There was no report from the PZC Chairman or Regional Planning Commission Representatives, and note was made that the next meeting for the Regulatory Review Committee is scheduled for Wednesday, October 18, 2006 at 2:30 p.m.

Communications and Bills:

The agenda items were noted with particular attention to Item #6.

Adjournment:

Favretti declared the meeting adjourned at 10:14 p.m.

Respectfully submitted,

Katherine K. Holt, Secretary